

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
TENNESSEE NASHVILLE DIVISION**

**UNITED STATES OF AMERICA and the
STATE OF TENNESSEE ex rel. JEFFREY
H. LIEBMAN and DAVID M. STERN, M.D.
Relators,**

v.

**METHODIST LE BONHEUR
HEALTHCARE, METHODIST
HEALTHCARE-MEMPHIS HOSPITALS,
THE WEST CLINIC, PLLC d/b/a WEST
CANCER CENTER, WEST PARTNERS,
LLC, LEE SCHWARTZBERG, M.D.,
ERICH MOUNCE, CHRIS MCLEAN,
GARY SHORB, AND JOHN DOES 1-100,
Defendants.**

Case No. 3:17-CV-00902

**District Judge William L.
Campbell, Jr.**

**Magistrate Judge Barbara D.
Holmes**

AFFIDAVIT OF AMMAR L. AMMAR

**THE STATE OF TENNESSEE
COUNTY OF SHELBY**

Ammar L. Ammar, having first been duly sworn according to law, makes oath upon his personal knowledge as follows:

1. I, Ammar L. Ammar, am over eighteen years of age and am competent to testify to the matters contained herein based on my own personal knowledge. I have been employed by the University of Tennessee at its Health Science Center in Memphis ("UTHSC") for approximately the past six years. I currently serve as Interim Deputy CISO – Cyber Operations in UTHSC's Department of ITS Security.

2. In September 2020, I became aware of the subpoena issued to the University by counsel for the Methodist defendants in this matter (the "Subpoena"). In late September and into October 2020, I was asked to download a number of Microsoft Outlook email data files (i.e., ".PST

files”) of several University employees, and to compile a list of such PST files’ volume sizes and date ranges. On October 19, 2020, I finalized such list, a copy of which is attached as **Attachment A** hereto.

3. Also, in mid-October 2020, I was asked to download all of the PST files included on **Attachment A** onto an encrypted external hard drive, and to ship such hard drive via FedEx to an e-discovery company named LogicForce at 1201 Demonbreun Street, Suite 930, Nashville, Tennessee 37203, which I did.

4. In carrying out the above activities in response to the Subpoena, I (with assistance from my team) spent approximately eighty-four hours during the months of September and October 2020, which I reported to Ms. Peggy Reisser, UTHSC’s Communications Manager.

5. In early December 2020, I reviewed the list of PST file search terms attached as **Attachment B** hereto, which I understand were provided to the University by the Methodist defendants. It is also my understanding that the Methodist defendants are initially seeking to search only the PST files for Drs. Steven Schwab, Kennard Brown, and David Stern as listed on **Attachment A**.

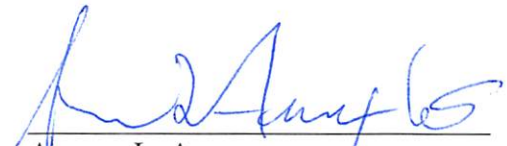
6. The amount of data that the Subpoena seeks would take my team several weeks to go through. We do not have the same specialized software that a team such as LogicForce would use. Our Department would need to devote at least two FTE’s per PST mailbox during this timeframe in order conduct such searches and identify responsive documents. This would mean that our Department would have to make the other team members cover monitoring and response shifts to cyberthreats to the University. If there were a security incident, there would be a lack of manpower to respond to hostile cyber actors.

7. LogicForce has specialized software, tactics, and procedures that are more capable of handling the discovery requests in this Subpoena. The software limits in our Department would

cause us to load each PST file into Outlook and then manually search for items that may be relevant to the Subpoena. This process is very manual and time consuming. We do not have the same experience or tools as LogicForce to handle this situation.

8. Our Department would also fall behind on several mission-critical projects to help strengthen the security posture of the University. This would include securing research data, data loss prevention, and creating a safer cloud environment. Our Department is small and is prepared to provide support in many other ways, but it cannot undertake a monumental task such as the one required by the Subpoena without serious repercussions to the University's cybersecurity posture.

AND FURTHER AFFIANT SAITH NOT.


Ammar L. Ammar

Sworn and subscribed to me before this 10th day of February, 2021.


Notary Public

My Commission Expires: 5-8-2023



ATTACHMENT A

Individual Associated with Litigation Hold	Net ID	PST File Size	Date Range Start
Ferrara, Anthony Alan (Vice Chancellor Finance & Operations)	aferrar1	62.78 GB	1/1/2011
Vanderwalde, Ari M.	avanderw	5.69 GB	1/18/2014
Weksler, Benny (M.D.)	bweksler	4.27 GB	11/8/2013
Russell, Cynthia (Cindy) (Associate Vice Chancellor, Academic Affairs)	crussell	36.83 GB	2/17/2018
Shibata, David, M.D. (Professor & Chair, General Surgery)	dshibata	25.52 GB	7/9/2015
Stern, David Mark (M.D.) (Former Executive Dean, College of Medicine)	dstern	47.35 GB	1/5/2011
Reed, Guy L. (M.D.) (Former employee)	glreed		
Brown, Kennard - Executive Vice Chancellor and Chief Operations Officer	kbrown	81.61 GB	1/1/2011
Tauer, Kurt	ktauer		
Schwartzberg, Lee (Former employee in Medicine-Hematology)	lschwart	4.24 GB	1/3/2011
Ballo, Matthew	mballo	5 GB	1/17/2014
Fleming, Martin	mflemin6	12.68 GB	5/9/2012
Hofmann, Polly A (Professor, Sr. Executive Associate Dean of Faculty Affairs, COM)	phofmann	41.24 GB	1/3/2011
Schwab, Steve J., M.D. (Chancellor, UTHSC)	sschwab	41.39 GB	9/22/2013
Strome, Scott Eric M.D. (Executive Dean COM)	sstrome	19.69 GB	1/7/2019
Hartnett, Teresa Anne (Associate Dean, COM)	thartne1	29.95 GB	4/30/2013
Mashburn, Tim (MBA) (Former employee)	tmashbur	19.24 GB	2/3/2011

ATTACHMENT B

(WC* OR TWC) w/25 ("anti-kickback" OR kickback* OR AKS OR Stark OR Fraud* OR illegal)
West w/25 ("anti-kickback" OR kickback* OR AKS OR Stark OR Fraud* OR illegal)
"West Clinic" w/25 ("anti-kickback" OR kickback* OR AKS OR Stark OR Fraud* OR illegal)
(WC* OR TWC) /25 ("drug savings" OR "drug profits")
West /25 ("drug savings" OR "drug profits")
"West Clinic" /25 ("drug savings" OR "drug profits")
(Lawsuit OR action OR claim* OR "qui tam" OR "under seal" OR sealed) AND (Jeff OR Jeffrey OR Liebman)
(Lawsuit OR action OR claim* OR "qui tam" OR "under seal" OR sealed) /50 (Dave OR David OR Stern)
(Dave OR David OR Stern) AND ("anti-kickback" OR kickback* OR AKS OR Stark OR Fraud* OR illegal)
(Jeff OR Jeffrey OR Liebman) AND ("anti-kickback" OR kickback* OR AKS OR Stark OR Fraud* OR illegal)
(WC* OR TWC) w/25 ((above OR not) w/5 (FMV OR "fair market"))
West w/25 ((above OR not) w/5 (FMV OR "fair market"))
"West Clinic" w/25 ((above OR not) w/5 (FMV OR "fair market"))
(Lift OR "mission support" OR 340b) w/10 (split OR share OR distribute)
(Lift OR "mission support" OR 340b) w/10 salar*
((80th OR 90th OR 75th) w/2 percentile) AND (West OR WC* OR TWC OR MLH OR Methodist OR UTMP OR (our w/3 doctors) OR (surg* w/2 onc*))
Performance AND (review* OR eval*) AND (Dave OR David OR Stern)
Evaluation w/50 Stern
Disrupt* AND (Dave OR David OR Stern)
(Complain* OR concern* OR disagree*) AND (Dave OR David OR Stern)
(Complain* OR concern* OR disagree*) AND (Jeff OR Jeffrey OR Liebman)
(compliance w/5 (hotline OR line OR phone)) AND Stern
review w/5 Stern
"90-day" w/5 plan
"review plan"
("low meets" OR "needs improvement") AND (Dave OR David OR Stern)
Upward w/2 eval*
"Goals and expectations"
Annual w/5 review
Don w/2 Hutton
Donald w/2 Hutton
Andrew w/2 Allen
Andy w/2 Allen
@medi-leadership.org
"MEDI"
coaching AND (Dave OR David OR Stern)
exec* w/5 coach*
"talent review"
behavior* w/10 (bad OR unacceptable (not w/2 acceptable) OR poor OR inappropriate OR (not w/2 appropriate) OR old OR harmful OR polarizing)
@donatilaw.com
Bryce w/2 Ashby
Donald w/2 Donati
"donati law"
"Administrative leave" w/100 (Dave OR David OR Stern)
investigat* w/100 (Dave OR David OR Stern)
"Return to duty" w/100 (Dave OR David OR Stern)
((Ed w/2 Richter) OR (Matthew w/2 Mooney)) w/100 Stern
((remov* OR transition OR resign* OR move) w/25 Dean) AND (Dave OR David OR Stern)

